AF/ IFW P

31223 / 79825
F-721

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Jean-Pierre Dath et al.	Confirmation No.: 5195
Serial Number:	09/206,216	
Filing Date:	December 5, 1998	
Examiner:	T. Nguyen	
Group Art Unit:	1764	
Title:	PRODUCTION OF OLEFINS	
Customer No.:	25264	

Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

First Class Certificate of Mailing

I hereby certify that a copy of the papers enclosed herein are being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop APPEAL BRIEF – PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Donna J. Dobson — September 29, 2004

Donna Dobson — Date of Deposit

REPLY BRIEF

Appellants respectfully request consideration of the following replies to certain new points of arguments raised in the Examiner's Answer. This Reply Brief is submitted in triplicate.

The Examiner's Answer in large measure exactly tracks the arguments found in the Final Rejection and accordingly, this Reply Brief will address only a few additional comments made in the Examiner's Answer under the heading "Response to Arguments."

In respect to the first paragraph under "Response to Arguments," it is noted that application serial no. 09/205,559 was actually refiled as a continued prosecution application under serial no. 09/205,559. The co-pending application and the claimed subject matter involved

in the appeal of the co-pending application do not involve any sort of a hydrogenation procedure as required by the claims on appeal. To the extent that related applications are relevant here, it is noted that three other applications, considered along with application no. 09/205,559 by the Board of Appeals and Patent Interferences, have now issued as U.S. Patents as follows: application serial no. 09/206,210, issued as U.S. Patent No. 6,713,658; application serial no. 09/206,207, issued as U.S. Patent No. 6,646,175; and application serial no. 09/206,208, issued as U.S. Patent No. 6,646,176.

With respect to the paragraph bridging pages 6 and 7 of the Examiner's Answer, the observation that a large amount of dienes would depress the overall cracking conversion and overall selectivity of the process is simply not based on any disclosure found in Colombo, Glockner, or Cosyns. Appellants' specification, see, for example, page 40 of the specification, shows that the presence of dienes in the olefin feedstock result in a loss of activity. A corresponding disclosure is not found in the prior art references. Beyond that, the arguments here in the Examiner's Answer would appear to support appellants' position that Colombo is not concerned with the diene content of the cracking feedstream and thus there is nothing in Colombo that would suggest that the dienes should be removed by hydrogenation or by any other procedure.

As to the comments found in the first full paragraph, page 7 of the Examiner's Answer, the issue is not one of suitability of the Glockner or Cosyns products for use in Colombo. It is instead whether one of ordinary skill in the art would, absent appellants' disclosure, find it obvious to combine the teachings of the references based only on the reference disclosures and without the motivation provided by appellants' disclosure. This being said, in fact, it would appear that there is nothing to suggest that the Glockner and Cosyns products are suitable for a

cracking process of the type disclosed in Colombo. Glockner, as pointed out in appellants' primary brief, is directed to hydrogenation in order to arrive a feedstream for an alkylation process. Cosyns is directed to the hydrogenation of C_2 and/or C_3 olefins. Clearly, there would be nothing to suggest that the C_2 and/or C_3 hydrocarbons produced in the Cosyns procedure would suggest the hydrogenation of dienes in a feedstock which is subjected to cracking to produce propylene.

The full paragraph found on page 8 of the Examiner's Answer for the most part, tracks the arguments found on page 8 of the Final Rejection, and this subject is addressed on pages 9 and 10 of the primary brief. However, this paragraph in the Examiner's Answer adds a reference to Example 10 of Colombo. Example 10 would appear to be totally irrelevant here since this example is not concerned with the use of an MFI crystalline silicate having a silicon/aluminum atomic ratio of 180-1,000 as called for in appellants' claims. In fact, the boralite found in Example 10 of Colombo does not appear to be an MFI catalyst of any type. Further, if the boralite found in Example 10 were to be somehow analogized to an MFI crystalline silicate catalyst, the silicon/aluminum atomic ratio would be far below that called for in appellants' claims as indicated by the chemical formula for boralite found in footnote (d) on page 9 of Colombo.

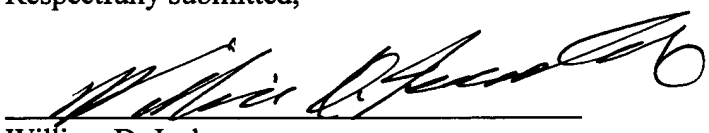
In regard to the paragraph bridging pages 8 and 9 of the Examiner's Answer, the comments regarding "thousands of methods" appear to be based upon a wholly gratuitous assumption on the Examiner's part. This paragraph in the Examiner's Answer appears to be directed to the comments found in the paragraph bridging 9 and 10 of appellants' primary brief. The comments found here in the primary brief are directed to the disclosure in Colombo to rebut the Examiner's assertion that the relationships defined in claims 43 and 44, although not

disclosed in Colombo, would result from the operation of the Colombo process. As the additional arguments in the Examiner's Answer are understood, they simply ignore the issue of what is actually disclosed in Colombo as contrasted with what might result from Colombo, if it is modified in view of Glockner or Cosyns.

For the reasons advanced above and in appellants' primary brief, it is respectfully submitted that all of appellants' claims are patentable over Colombo in view of Glockner or in view of Cosyns. Accordingly, it is respectfully requested that the final rejection of these claims be reversed.

The Commissioner is hereby authorized to charge the Locke Liddell & Sapp LLP Deposit Account No. 12-1781 for any fees due in connection with this communication.

Respectfully submitted,



William D. Jackson
Registration No. 20,846

Date: September 29, 2004

Locke Liddell & Sapp LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Telephone: (214) 740-8535
Facsimile: (214) 756-8535